

ORIGINAL

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

ERIC JOSEPH EPSTEIN

Plaintiff,

v.

SPENCER ABRAHAM, Secretary of the  
U.S. Department of Energy; HERBERT  
WATKINS, Contracting Officer, U.S.  
Department of Energy  
Defendants.

Civ. No. 01-0682  
Judge Kane

**DEFENDANTS' MOTION FOR ENLARGEMENT OF TIME**

Federal Defendants hereby move the Court to amend the schedule for supplemental briefing to allow an enlargement of time of two weeks. Such an enlargement of time would require both Federal Defendants and Intervener Defendant to file a supplemental brief by May 3, 2002, Plaintiff to file a supplemental brief by May 22, 2002, and Federal Defendants and Intervener Defendant to file a reply by May 31, 2002. In support of this request, Federal Defendants state as follows:

1. On April 3, 2002, the Court issued an order that the parties file supplemental

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briefs on “[t]wo matters affecting jurisdiction and justiciability.” Order at 1.

2. For the two weeks from April 2, 2002 to April 12, 2002, counsel for Federal Defendants attended an intensive training course in Columbia, South Carolina.

3. The Court’s order for supplemental briefing has occasioned a review by Federal Defendants regarding the issues for which the Court seeks additional briefing; discussions are ongoing, and Federal Defendants and their counsel need to further engage in these discussions in order to determine their position.

4. The additional two weeks will permit Federal Defendants to engage in these discussions and will allow Federal Defendants to effectively brief the issues raised by the Court.

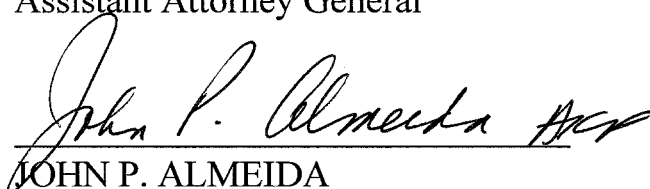
5. The Intervener Defendant, Exelon Generation Company, LLC (Exelon), wishes to preserve a coordinated supplemental briefing schedule, and therefore joins in this motion. Exelon’s counsel has represented that such a coordinated schedule should facilitate cooperation among the Defendants with respect to the supplemental briefs. Accordingly, unless otherwise directed by the Court, Exelon plans to file its briefs in accordance with the schedule requested above, i.e., concurrently with Federal Defendants.

WHEREFORE, Federal Defendants respectfully ask this Court to grant their motion for an enlargement of time, and amend the present briefing schedule.

DATED this 16<sup>th</sup> day of April, 2002.

Respectfully submitted,

THOMAS L. SANSONETTI  
Assistant Attorney General




JOHN P. ALMEIDA

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Attorney for Defendant

**CERTIFICATE OF CONCURRENCE**

The undersigned hereby certifies that in accordance with Local Rule 7.1, counsel for Federal Defendants sought but did not receive concurrence from Plaintiff. Counsel for Intervener Defendant indicated that Intervener Defendant joins Federal Defendants in this motion.

  
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John P. Almeida  
Counsel for Defendants

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on this 16<sup>th</sup> day of April, 2002 a copy of the foregoing **MOTION FOR ENLARGEMENT OF TIME** and **PROPOSED ORDER** has been served on Plaintiff and Intervener Defendant by first-class United States Mail at the following addresses:

Eric Joseph Epstein  
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*Dawn L. Mayko*  
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